

Sixth Appellate District

San Jose, California

MONDAY, APRIL 20, 2009

(no minute approved orders)

TUESDAY, APRIL 21, 2009

H032978 In re R.B., DFCS v. R.B.

We affirm the juvenile court's jurisdictional findings. We reverse the dispositional order and we remand this matter to the juvenile court for a determination of detriment from the provision of reunification services to the father under the appropriate statute, Welfare and Institutions Code section 361, subdivision (e)(1). (not published)

(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)

Filed April 21, 2009

WEDNESDAY, APRIL 22, 2009

H033050 PEOPLE v. GARDEA, JR.

The order is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 22, 2009

H032740 PEOPLE v. BROWN

H033996 BROWN on Habeas Corpus

The judgment is affirmed. Brown's petition for writ of habeas corpus is denied. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 22, 2009

THURSDAY, APRIL 23, 2009

H032308 PEOPLE v. HERNANDEZ

The judgment is modified to impose a concurrent 15-year-to-life sentence for count 4 pursuant to Penal Code Section 186.22, subdivision(b)(4)(B). As so modified, the judgment is affirmed. The trial court is directed to correct its minute order and abstract of judgment to reflect a concurrent two-year sentence for count 5. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 23, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing,

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P.J.; Elia, J.; Bamattre-Manoukian, J.; and Beth Miller, Deputy Clerk.

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Thursday, April 23, 2009 (continued)

H033093 PEOPLE v. BEARQUIVER

Cause called and argued by Hilda Scheib appearing for Appellant and by Brent Wilner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Bamattre-Manoukian, J. leave the bench and Mihara, J. and McAdams, J. take the bench.

H031907 SIMPER INVESTMENTS, INC. v. BRIAN C. HODGES, et al.

Cause called and argued by Joyce Marilyn Winters appearing for Appellant, Patrick Kerwin appearing for Respondent Dan Cesena, et al., and by Mikela Babayan appearing for Respondent Brian C. Hodges, et al. Cause ordered submitted.

H032083 SIMPER INVESTMENTS, INC. v. BRIAN C. HODGES, et al.

Cause called and argued by Joyce Marilyn Winters appearing for Appellant, Patrick Kerwin appearing for Respondent Dan Cesena, et al., and by Mikela Babayan appearing for Respondent Brian C. Hodges, et al. Cause ordered submitted.

Elia, Acting P.J. leaves the bench and Bamattre-Manoukian, Acting P.J. takes the bench.

H032616 In re BAUTISTA on Habeas Corpus

Cause called and argued by Amanda J. Murray, Deputy Attorney General, appearing for Appellant and by Benjamin Patrick Ramos appearing for Respondent. Cause ordered submitted.

H033013 EUGENIA R. v. MORGAN M.; MONTEREY COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES

Cause called and argued by Jeanine Strong appearing for Appellant and by Mary K. Dahlberg, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court is adjourned.

H032853 BARRON v. SUPERIOR COURT; MARTINEZ

H032884 BARRON v. MARTINEZ; SANTA CLARA CO. DEPT. OF CHILD SUPPORT SERVICES

Filed order publishing opinion.  
(Premo, Acting P.J., Elia, J., Duffy, J.)

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FRIDAY, APRIL 24, 2009

The following case is submitted this date:

H033628 In re G.R; D.F.C.S. v. C.R.

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Friday, April 24, 2009 (continued)

H033351 In re S.W.; D.F.C.S. v. M.N.

The order is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed April 24, 2009

H032818 PEOPLE v. SLOCUM

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 24, 2009

H032931 PEOPLE v. AGUILA

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 24, 2009

H033538 In re C.S.; SANTA CRUZ COUNTY HRA v N.G.

The appeal is dismissed as abandoned. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 24, 2009

H032376 HALVERSON v. VALLONE, et al.

The judgment is reversed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 24, 2009

H032917 PEOPLE v. GUTIERREZ

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: April 24, 2009

\*Before Rushing, P.J., Elia, J. and Bamattre-Manoukian, J.

H033692 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 24, 2009

H032903 PEOPLE v. LE

The judgment is modified to reduce the restitution fund fine to \$2,800 and the parole revocation fine to \$2,800. As modified, the judgment is affirmed. (not published)

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(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,  
J.)

Filed April 24, 2009

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Friday, April 24, 2009 (continued)

H032395 PUENTES v. COUNTY OF SANTA CLARA

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed April 24, 2009

H032868 NADKARNI v. NADKARNI

The order of April 15, 2008, dismissing appellant Darshana Nadkarni's application for a restraining order under the Domestic Violence Prevention Act (Fam. Code, § 6200) is reversed. The trial court is directed to hold a hearing on the merits of the application and may, in the court's discretion, allow the presentation of additional evidence and oral testimony (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed April 24, 2009

H033202 In re S.R.; MONTEREY COUNTY DSES v. T.L

The order is reversed. The case is remanded to the juvenile court with directions to order the Department to complete notice to the tribes and the Bureau of Indian Affairs in accordance with the ICWA. If, after proper notice, the court finds that S.R. is an Indian child, the court shall proceed in conformity with the ICWA. If, after proper notice, the court finds that S.R. is not an Indian child, the order shall be reinstated. (not published)  
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed April 24, 2009

H032669 LEE v. LIU, et al.

The judgment on the order granting defendants' motion for summary judgment, entered January 2, 2008, is affirmed. Costs on appeal are awarded to respondents. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed April 24, 2009